

(3) the term “Office” means the Office of the National Cyber Director;

(4) the term “qualified position” means a position identified by the Director under subsection (b)(1)(A), in which the individual occupying such position performs, manages, or supervises functions that execute the responsibilities of the Office.

(b) **HIRING PLAN.**—The Director shall, for purposes of carrying out the functions of the Office—

(1) craft an implementation plan for positions in the excepted service in the Office, which shall propose—

(A) qualified positions in the Office, as the Director determines necessary to carry out the responsibilities of the Office; and

(B) subject to the requirements of paragraph (2), rates of compensation for an individual serving in a qualified position;

(2) propose rates of basic pay for qualified positions, which shall—

(A) be determined in relation to the rates of pay provided for employees in comparable positions in the Office, in which the employee occupying the comparable position performs, manages, or supervises functions that execute the mission of the Office; and

(B) subject to the same limitations on maximum rates of pay and consistent with section 5341 of title 5, United States Code, adopt such provisions of that title to provide for prevailing rate systems of basic pay and apply those provisions to qualified positions for employees in or under which the Office may employ individuals described by section 5342(a)(2)(A) of such title; and

(3) craft proposals to provide—

(A) employees in qualified positions compensation (in addition to basic pay), including benefits, incentives, and allowances, consistent with, and not in excess of the level authorized for, comparable positions authorized by title 5, United States Code; and

(B) employees in a qualified position for which the Director proposes a rate of basic pay under paragraph (2) an allowance under section 5941 of title 5, United States Code, on the same basis and to the same extent as if the employee was an employee covered by such section, including eligibility conditions, allowance rates, and all other terms and conditions in law or regulation.

SA 4113. Mr. MANCHIN (for himself, Mr. LUJÁN, and Mrs. CAPITO) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . AMOUNTS FOR NEXT GENERATION RADAR AND RADIO ASTRONOMY IMPROVEMENTS AND RELATED ACTIVITIES.

(a) **IN GENERAL.**—There are authorized to be appropriated to the National Science Foundation, \$176,000,000 for the period of fiscal years 2022 through 2024 for the design, development, prototyping, or mid-scale upgrades of next generation radar and radio astronomy improvements and related activities under section 14 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n-4).

(b) **APPROVAL.**—Nothing in this section shall amend the Director of the National

Science Foundation’s authority to review and issue awards.

SA 4114. Mr. MANCHIN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . EXPANSION OF APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.

Section 14501 of title 40, United States Code, is amended—

(1) in subsection (a), in the second sentence, by striking “three thousand and ninety miles” and inserting “the total number of miles established by the Secretary under subsection (h)”;

(2) by adding at the end the following:

“(h) **EXPANSION OF THE APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.**—As soon as practicable after the date of enactment of this subsection, the Secretary shall establish the total number of miles that is authorized to be constructed for the Appalachian development highway system under subsection (a) based on—

“(1) a report prepared by the Secretary before the date of enactment of this subsection in which the Secretary describes the total number of miles that should be authorized to be constructed for the Appalachian development highway system under subsection (a); or

“(2) if the Secretary determines that there is not an existing report that addresses the matters described in paragraph (1), a report prepared by the Secretary, in consultation with the Appalachian Regional Commission and applicable State departments of transportation, as soon as practicable after the date of enactment of this subsection, that describes the total number of miles that should be authorized to be constructed for the Appalachian development highway system under subsection (a).”.

SA 4115. Mr. MANCHIN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . OPIOID SUBSTANCE ABUSE REDUCTION.

(a) **STEWARDSHIP FEE ON OPIOID PAIN RELIEVERS.**—

(1) **IN GENERAL.**—Chapter 32 of the Internal Revenue Code of 1986 is amended by inserting after subchapter D the following new subchapter:

“Subchapter E—Certain Opioid Pain Relievers

“Sec. 4191. Opioid pain relievers.

“**SEC. 4191. OPIOID PAIN RELIEVERS.**

“(a) **IN GENERAL.**—There is hereby imposed on the sale of any active opioid by the manu-

facturer, producer, or importer a fee equal to 1 cent per milligram so sold.

“(b) **ACTIVE OPIOID.**—For purposes of this section—

“(1) **IN GENERAL.**—The term ‘active opioid’ means any controlled substance (as defined in section 102 of the Controlled Substances Act, as in effect on the date of the enactment of this section) which is opium, an opiate, or any derivative thereof.

“(2) **EXCLUSION FOR CERTAIN PRESCRIPTION MEDICATIONS.**—Such term shall not include any prescribed drug which is used exclusively for the treatment of opioid addiction as part of a medically assisted treatment effort.

“(3) **EXCLUSION OF OTHER INGREDIENTS.**—In the case of a product that includes an active opioid and another ingredient, subsection (a) shall apply only to the portion of such product that is an active opioid.

“(c) **REBATE OR DISCOUNT PROGRAM FOR CERTAIN CANCER AND HOSPICE PATIENTS.**—

“(1) **IN GENERAL.**—The Secretary of Health and Human Services, in consultation with patient advocacy groups and other relevant stakeholders as determined by such Secretary, shall establish a mechanism by which—

“(A) any amount paid by an eligible patient in connection with the stewardship fee under subsection (a) shall be rebated to such patient in as timely a manner as possible, or

“(B) amounts paid by an eligible patient for active opioids are discounted at time of payment or purchase to ensure that such patient does not pay any amount attributable to such fee,

with as little burden on the patient as possible. The Secretary of Health and Human Services shall choose whichever of the options described in subparagraph (A) or (B) is, in such Secretary’s determination, most effective and efficient in ensuring eligible patients face no economic burden from such fee.

“(2) **ELIGIBLE PATIENT.**—For purposes of this subsection, the term ‘eligible patient’ means—

“(A) a patient for whom any active opioid is prescribed to treat pain relating to cancer or cancer treatment,

“(B) a patient participating in hospice care,

“(C) a patient with respect to whom the prescriber of the applicable opioid determines that other non-opioid pain management treatments are inadequate or inappropriate, and

“(D) in the case of the death or incapacity of a patient described in subparagraph (A), (B), or (C), or any similar situation as determined by the Secretary of Health and Human Services, the appropriate family member, medical proxy, or similar representative or the estate of such patient.”.

(2) **CLERICAL AMENDMENT.**—The table of subchapters for chapter 32 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to subchapter D the following new item:

“SUBCHAPTER E. CERTAIN OPIOID PAIN RELIEVERS”.

(3) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to sales on or after the later of—

(A) the date which is 1 year after the date of the enactment of this Act; or

(B) the date on which the Secretary of Health and Human Services establishes the mechanism described in subsection (c)(1) of section 4191 of the Internal Revenue Code of 1986, as added by this section.

(b) **BLOCK GRANTS FOR PREVENTION AND TREATMENT OF SUBSTANCE ABUSE.**—

(1) **GRANTS TO STATES.**—Section 1921(b) of the Public Health Service Act (42 U.S.C.

300x-21(b)) is amended by inserting “, and, as applicable, for carrying out section 1923A” before the period.

(2) NONAPPLICABILITY OF PREVENTION PROGRAM PROVISION.—Section 1922(a)(1) of the Public Health Service Act (42 U.S.C. 300x-22(a)(1)) is amended by inserting “except with respect to amounts made available as described in section 1923A,” before “will expend”.

(3) OPIOID TREATMENT PROGRAMS.—Subpart II of part B of title XIX of the Public Health Service Act (42 U.S.C. 300x-21 et seq.) is amended by inserting after section 1923 the following:

“SEC. 1923A. ADDITIONAL SUBSTANCE ABUSE TREATMENT PROGRAMS.

“A funding agreement for a grant under section 1921 is that the State involved shall provide that any amounts made available by any increase in revenues to the Treasury in the previous fiscal year resulting from the enactment of section 4191 of the Internal Revenue Code of 1986 (determined by taking into account any outlays for amounts rebated or discounted under subsection (c)(1) thereof (as described in section 1933(a)(1)(B)(i))) be used exclusively for substance abuse (including opioid abuse) treatment efforts in the State, including—

“(1) treatment programs—

“(A) establishing new addiction treatment facilities, residential and outpatient, including covering capital costs;

“(B) establishing sober living facilities;

“(C) recruiting and increasing reimbursement for certified mental health providers providing substance abuse treatment in medically underserved communities or communities with high rates of prescription drug abuse;

“(D) expanding access to long-term, residential treatment programs for opioid addicts (including 30-, 60-, and 90-day programs);

“(E) establishing or operating support programs that offer employment services, housing, and other support services to help recovering addicts transition back into society;

“(F) establishing or operating housing for children whose parents are participating in substance abuse treatment programs, including capital costs;

“(G) establishing or operating facilities to provide care for babies born with neonatal abstinence syndrome, including capital costs; and

“(H) other treatment programs, as the Secretary determines appropriate; and

“(2) recruitment and training of substance use disorder professionals to work in rural and medically underserved communities.”.

(4) ADDITIONAL FUNDING.—Section 1933(a)(1)(B)(i) of the Public Health Service Act (42 U.S.C. 300x-33(a)(1)(B)(i)) is amended by inserting “, plus any increase in revenues to the Treasury in the previous fiscal year resulting from the enactment of section 4191 of the Internal Revenue Code of 1986 (determined by taking into account any outlays for amounts rebated or discounted under subsection (c)(1) thereof)” before the period.

(c) REPORT.—Not later than 2 years after the date described in subsection (a)(3), the Secretary of Health and Human Services shall submit to Congress a report on the impact of the amendments made by subsections (a) and (b) on—

(1) the retail cost of active opioids (as defined in section 4191 of the Internal Revenue Code of 1986, as added by subsection (a));

(2) patient access to such opioids, particularly cancer and hospice patients, including the effect of the discount or rebate on such opioids for cancer and hospice patients under section 4191(c)(1) of such Code, as so added;

(3) how the increase in revenue to the Treasury resulting from the enactment of

section 4191 of the Internal Revenue Code of 1986 is used to improve substance abuse treatment efforts in accordance with section 1923A of the Public Health Service Act (as added by subsection (b)); and

(4) suggestions for improving—

(A) access to opioids for cancer and hospice patients; and

(B) substance abuse treatment efforts under such section 1923A.

SA 4116. Mr. MANCHIN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1064. EXTENSION OF BLACK LUNG DISABILITY TRUST FUND EXCISE TAX.

(a) IN GENERAL.—Section 4121(e)(2)(A) of the Internal Revenue Code of 1986 is amended by striking “December 31, 2021” and inserting “December 31, 2031”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply on and after the first day of the first calendar month beginning after the date of the enactment of this Act.

SA 4117. Mr. MANCHIN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In title X, add at the end the following:

Subtitle H—COVID-19 Mine Worker Protection Act

SEC. 1071 SHORT TITLE.

This subtitle may be cited as the “COVID-19 Mine Worker Protection Act”.

SEC. 1072. EMERGENCY TEMPORARY AND PERMANENT STANDARDS.

(a) EMERGENCY TEMPORARY HEALTH OR SAFETY STANDARD.—

(1) IN GENERAL.—In consideration of the grave risk presented by COVID-19 and the need to strengthen protections for miners, pursuant to section 101(b) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 811(b)) and notwithstanding the provisions of law and the Executive order listed in paragraph (3), not later than 7 days after the date of enactment of this Act, the Secretary of Labor shall promulgate an emergency temporary health or safety standard to protect miners from occupational exposure to SARS-CoV-2.

(2) APPLICATION OF STANDARD.—Pursuant to section 101(b)(2) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 811(b)(2)), the emergency temporary health or safety standard promulgated under paragraph (1) shall be effective until superseded by a mandatory health or safety standard promulgated under subsection (b).

(3) INAPPLICABLE PROVISIONS OF LAW AND EXECUTIVE ORDER.—The provisions of law and

the Executive order listed in this paragraph are as follows:

(A) Chapter 6 of title 5, United States Code (commonly referred to as the “Regulatory Flexibility Act”).

(B) Subchapter I of chapter 35 of title 44, United States Code (commonly referred to as the “Paperwork Reduction Act”).

(C) The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501 et seq.).

(D) Executive Order 12866 (58 Fed. Reg. 190; relating to regulatory planning and review), as amended.

(b) PERMANENT STANDARD.—Pursuant to section 101(b)(3) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 811(b)(3)), the Secretary shall promulgate a mandatory standard to protect miners from occupational exposure to SARS-CoV-2.

(c) REQUIREMENTS.—The standards promulgated under this section shall—

(1) include a requirement that operators—

(A) with the input and involvement of miners or, where applicable, the representatives of miners develop and implement a comprehensive infectious disease exposure control plan to address the risk of occupational exposure to SARS-CoV-2; and

(B) provide to miners the necessary personal protective equipment, disinfectant, ancillary medical supplies, and other applicable supplies determined necessary by the Secretary to reduce and limit exposure to SARS-CoV-2 in coal or other mines;

(2) incorporate guidelines—

(A) issued by the Centers for Disease Control and Prevention and the National Institute for Occupational Safety and Health, which are designed to prevent the transmission of infectious agents in occupational settings; and

(B) from relevant scientific research on novel pathogens; and

(3) include a requirement for the recording and reporting of all work-related COVID-19 infections and deaths as set forth in part 50 of title 30, Code of Federal Regulations (as in effect on the date of enactment of this Act).

SEC. 1073. SURVEILLANCE, TRACKING, AND INVESTIGATION OF MINING-RELATED CASES OF COVID-19.

The Secretary of Labor (acting through the Assistant Secretary for Mine Safety and Health), in coordination with the Director of the Centers for Disease Control and Prevention and the Director of the National Institute for Occupational Safety and Health, shall—

(1) collect and analyze case reports and other data on COVID-19 to identify and evaluate the extent, nature, and source of COVID-19 among miners, including the prevalence of and consequences of COVID-19 diagnoses among miners also diagnosed with pneumoconiosis;

(2) investigate, as appropriate, individual cases of COVID-19 among miners to evaluate the source of exposure and adequacy of infectious disease exposure control plans;

(3) provide regular periodic reports on COVID-19 among miners to the public; and

(4) based on such reports and investigations, make recommendations on needed actions or guidance to protect miners from COVID-19.

SEC. 1074. DEFINITIONS.

The terms used in this subtitle have the meanings given the terms in section 3 of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 802).

SA 4118. Mr. MANCHIN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of